

EXHIBIT 8

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S T I P U L A T I O N

It is hereby stipulated by and among counsel for plaintiff and counsel for defense that the video deposition of

KELVIN BRERETON,

6 be taken before Kim Taylor, Certified Court
7 reporter, by counsel for the plaintiffs for the
8 purposes of discovery, evidence, and/or use at
9 trial, or for such other purposes as permitted under
10 the applicable and governing rules, pursuant to
11 notice and to the provisions of the appropriate
12 statutes of the Code of Civil Procedure of the State
13 of Texas.

14 The parties hereto waive all formalities in
15 connection with the taking of said deposition,
16 including the reading and signing thereof, except
17 the swearing of the witness and the reduction of the
18 questions and answers to typewriting.

19 Per Article 199 and 199.2(5) of the Texas Code
20 of Civil Procedure, counsel for all parties reserve
21 all objections until trial or other use of the
22 deposition.

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1 A I was the one that saw when the unit went over
2 and hit the front of the beam. Two guys was
3 indoor house, getting shackles for the work
4 basket. The other guy, he was behind the
5 basket itself, so which why that guy was
6 standing right there in the walkway, I had just
7 walked off from that walkway.

8 Q I got it.

9 A And I was right behind this leg here talking to
10 Bobby.

11 Q I see. So there were no SBS crew members or
12 anybody else that was in a position to be able
13 to actually see the moment that the hydraulic
14 work-over unit went into the water?

15 A No.

16 Q And so if nobody saw the hydraulic work-over
17 unit go into the water, no one that was
18 physically present on the lift boat for this
19 project is going to be able to say whether or
20 not Mr. Blanchard was conscious, unconscious,
21 screaming, not screaming as the hydraulic work-
22 over unit went into the water; would you agree?

23 A When that beam hit the front of the lift boat,
24 I saw Mr. Blanchard slingshot around the legs.
25 That's why I said his head his the jack leg.

1 Q And, Mr. Brereton, I'm not quibbling with you,
2 right? I just -- when I talked to you earlier,
3 it sounded like it was kind of the gash that
4 was on his head --
5 A Yes.
6 Q -- that led you to the belief that he was
7 unconscious, right?
8 A Yeah.
9 Q But you didn't actually see him go into the
10 water, agreed?
11 A No.
12 Q Nobody on this project actually saw him go into
13 the water?
14 A No.
15 Q And so as far as someone actually observing
16 whether or not Mr. Blanchard was conscious or
17 unconscious at the time that this hydraulic
18 work-over unit went underwater, no one is going
19 to be able to say I personally observed that
20 his eyes were closed or that his eyes were
21 open.
22 A Correct.
23 Q Now, you were shown Exhibit 148. It was an
24 email that you sent. Remember there was the
25 statement on what could have been done